

Notice of Allowability

Application No.

10/634,421

Examiner

Robert A. Hopkins

Applicant(s)

FISHER ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3-14-06.
2. ☒ The allowed claim(s) is/are 1,2,4-23,25-29,32-37(renumbered placing dependant claims with respective independent claims).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, line 6, delete "continuation-in-part of", and insert -- claims priority to--.

Allowable Subject Matter

Claims 1,2,4-23,25-29, and 32-37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1,12,23,26, and 32 include subject matter which was either previously indicated as allowable subject matter or amended to include allowable subject matter. Claims 2,4-11,33, and 36 depend on claim 1 and hence are also allowed. Claims 13-22,34, and 37 depend on claim 12 and hence are also allowed. Claims 25 and 27-29 depend on claim 23 and hence are also allowed.

Claim 35 recites "a method for moving a wine product comprising : ... ; and agitating the wine product in the separator to prevent clogging during the step of removing the wine product from the separator". Bilkvist(4085975) teaches drawing a product into a vacuum chamber, removing the product from the vacuum chamber, and

Art Unit: 1724

agitating the product . However , Bilkvist fails to teach applying a vacuum to a separator to draw a wine product into the separator, and further fails to teach a method for moving a wine product". Johnson et al(3460327) teaches all of the limitations of claim 35 except for a step of agitating the wine product in the separator to prevent clogging during the step of removing the wine product from the separator. However, Johnson et al and Bilkvist are not combinable because Johnson et al teaches separating a wet, wine product and Bilkvist teaches drawing a dry bulk particulate product into a chamber, therefore the agitating mechanism in Bilkvist would not be required with a wet, wine product of Johnson et al. Claims 36 and 37 depend on claim 35 and hence are also allowed.


Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
March 23, 2006


ROBERT A. HOPKINS
PRIMARY EXAMINER
A.U. 1724